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BEFORE THE BOARD OF PATENT APPEALS

AND INTERFERENCES

Application Number: 10/500,992

Filing Date: January 10, 2005

Appellant(s): MOLNAR, GERGELY

Thomas Bethea, Jr.

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/09/2009 appealing from the Office action mailed 1/09/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,107,329 B1	Schroder et al.	9-2006
7,116,634 B1	Hanselmann	10-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12- 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schroder et al.** (hereinafter **Schroder**) U.S. Patent No.: 7,107,329 B1 and further in view of **Hanselmann** U.S. Patent No.: 7,116,634 B1.

Regarding **claim 12**, **Schroder** discloses a method for managing configuration of a network in a management centre, said network having a plurality of target objects (Col. 1 lines 10-17; interconnected nodes), said method comprising: elaborating a model of the network to be managed (Figure1-7 and Col. 3 lines 66- 13; system state information, open connections and

processing tables); identifying a plurality of target objects to be configured in the network (Figures 1- 7 Col. 3 lines 66- 13; interconnected nodes and routers); validating the changes to be made upon configuration of said plurality of target objects (Figure 3 Col. 4 lines 23-30; new software taking over for old); and configuring each of said target routers (Figures 3 & 7 and Col. 4 lines 14-30 & Col. 5 lines 2-6 & 14-16).

However, **Schroder** remains silent on the specific teachings of finding a configuration sequence of target routers associated with said target objects that provides continuous connectivity to said management centre.

In the same field of endeavor, **Hanselmann** discloses finding a configuration sequence of target routers associated with said target objects that provides continuous connectivity to said management centre (Figures 1- 4 and Abstract; active and standby routers and host/server).

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Hanselmann's** teachings of continuous transmission of data between router and host with the teachings of **Schroder** to provide for a more reliable connection between router and host during transmission.

Regarding **claim 13**, **Schroder-Hanselmann** further discloses wherein said model is based on the CIM (Common Information Model) schema (Schroder- Figures 3-4 & 6-7 and Col. 2 lines 42-47 & Col. 4 lines 11-13; SNMP/MIB read on this limitation).

One of ordinary skill in the art would modify the teachings of **Schroder** with **Hanselmann** for the same reasons indicated in **claim 12**.

Regarding **claim 14**, **Schroder-Hanselmann** further discloses wherein said identification step includes identifying direct target objects and indirect target objects (Schroder- Figure 7 and Col. 5 lines 37-38; reads on this limitation with listener and direct connections).

One of ordinary skill in the art would modify the teachings of **Schroder** with **Hanselmann** for the same reasons indicated in **claim 12**.

Regarding **claim 15**, **Schroder-Hanselmann** further discloses wherein said validation step includes checking the compliance of the changes to be made upon configuration with a predetermined set of rules (Schroder- Figures 1A-2 and Col. 4 lines 11-13; SNMP/MIB, BGP and routing tables read on this limitation).

One of ordinary skill in the art would modify the teachings of **Schroder** with **Hanselmann** for the same reasons indicated in **claim 12**.

Regarding **claim 16**, **Schroder-Hanselmann** further discloses wherein said network is an IP based mobile access network (Schroder- Col. 1 lines 10-16 & lines 59-60 & Col. 4 lines 43-45 Col. 5 lines 7-10; reads on this limitation with TCP/IP).

One of ordinary skill in the art would modify the teachings of **Schroder** with **Hanselmann** for the same reasons indicated in **claim 12**.

Claims 17-21 list all the same elements as **claims 12-16**, therefore the rejections and rationale used for **claims 12-16** apply equally as well to **claims 17-21**.

(10) Response to Argument

In substance the appellant argues: that neither **Schroder** nor **Hanselmann** disclose or teach: A) "finding a configuration sequence of target routers associated with said target objects that provides continuous connectivity to said management centre".

In response to A), the examiner respectfully disagrees. **Schroder-Hanselmann** discloses, the use of multiple routers within a network (i.e. LAN) and the potential problems (i.e. failures, rebooting, power outages etc.) that accompany them **(Hanselmann: Col. 1 lines 10-28)**. **Schroder-Hanselmann** further discloses the use of various protocols (i.e. IRDP and RIP) to allow a host the ability to choose a router from a group of routers (dynamically) within a network **(Hanselmann: Col. 1 lines 29-37)**. **Schroder-Hanselmann** also discloses the use of HSRP from a host on a LAN through a virtual router (whereby the virtual router may be any physical router elected from among a group of routers connected to the LAN); where packets are automatically forwarded to the "standby" (secondary) router if the "active" (initial) router fails **(Hanselmann: Col. 1 line 63- Col. 2 line 19)**. Therefore, **Schroder-Hanselmann** disclose "finding a configuration sequence of target routers (i.e. the virtual router made up of multiple routers) associated with said target objects that provides continuous connectivity to said management centre (i.e. HSRP whereby the secondary router automatically begins emulating the virtual router in case the initial router fails—in other

words provides continuous connectivity from source to destination);" **(Hanselmann: Col. 1 line 63- Col. 2 line 19)**.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

M.A.

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

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